



STATE MINING AND GEOLOGY BOARD

DEPARTMENT OF CONSERVATION

801 K Street • Suite 2015 • Sacramento, California 95814

www.conservation.ca.gov/smgb

smgb@conservation.ca.gov

Publication Date: October 13, 2011

CONFORMED MINUTES

THE STATE MINING AND GEOLOGY BOARD

Conducted a Regular Business Meeting on:

Thursday, September 8, 2011

8:30 A. M.

Assembly Hearing Room #444

State Capitol

Sacramento, California 95814

AMENDED AGENDA

For questions regarding this Agenda, please contact the SMGB office by telephone at (916) 322-1082, or by facsimile at (916) 445-0738. This Notice and associated staff reports can be accessed electronically at the SMGB's Internet web site at: <http://www.consrv.ca.gov/smgb/> (note: Agenda reports should be available electronically approximately one week prior to the scheduled meeting/hearing date).

The SMGB requires that all lengthy comments be submitted in writing in advance of the meeting date where this matter is to be decided. To ensure that the SMGB has the opportunity to fully preview written material, comments should be received in the SMGB office located at 801 K Street, Sacramento, CA, 95814, no later than 5:00 P.M., 15 calendar days prior to the scheduled meeting date, and must identify the Agenda Item to which it relates. For written materials in excess of two pages, or that contains large maps, photos, foldouts, or other documents requiring special handling, please submit 15 copies. The SMGB will not reproduce these types of documents. Comments on Agenda Items will be accepted by electronic mail, and are subject to the same conditions set forth for other written submissions.

New submittals received after 15 calendar days prior to the scheduled meeting date will be marked as late, and the SMGB will decide whether new submittals will be considered or not during the public hearing. Late submittals, received by the SMGB at least 48 hours prior to the scheduled meeting, will be included in a late document submittal listing. Late submittals, received after 48 hours prior to the scheduled meeting, will not be included on the late document submittal list. The SMGB would accept a two-page written summary of testimony, or final comments based on, and limited to, review of the SMGB's packet and/or Executive Officer's report, at the time of the public hearing. Such two-page summaries would be included as part of the administrative record before the SMGB. This

policy does not apply to quasijudicial proceedings (i.e., appeals, petitions, etc.) where administrative procedures for the submittal of documents are set forth in statute and regulation.

Individuals are responsible for presenting their own projects at the meeting.

[NOTE: Times are approximate. The chairman may alter the hearing start time or agenda item order during the meeting.]

I. Call to Order (Garner)

II. Pledge of Allegiance

III. Roll Call and Declaration of a Quorum

The meeting was called to order at 8:50 A. M. by Chairman Garner, with Member Tepel absent, and a quorum was declared.

IV. Director's Report (Chernow, Department of Conservation) [Information]

No Director's report was provided.

- State Geologist's Report (Parrish) [Information]

State Geologist and Director of the California Geological Survey (CGS), Dr. John Parrish, reported on the following:

- CGS Staff members participated in the Symposium on Effects of Surface Geology on Ground Motion at the University of California Santa Barbara during the week of August 23rd. This is the fourth international conference, which meets once every four years, and is comprised of world leaders in seismic ground motion research. CGS staff presented several papers at the conference.
- CGS Mineral Resource Unit prepared and presented half-dozen proto-type maps on the availability of aggregate resources for the Aggregate Availability Group (AAG), which met on August 31st at DOC. The maps provided various depictions and representations of the availability of aggregate supplies based on distance from sources to population centers, as well as the duration of existing permitted reserves. Members of the AAG include CalCIMA, Caltrans, OPR, BLM, SMGB, and DOC.
- On September 15th CGS will conduct its biennial meeting of the National Cooperative Geologic Mapping Program committee. This committee advises the State Geologist on geologic mapping projects for the coming year in cooperation with the USGS StateMap Matching Grant Program. The Committee meets at CGS, and is made up of representatives from the USGS, Academia, Private Consultants, Local and State Agencies, and Private Industry.
- For Emergency Preparedness Day, CGS currently has an exhibit today on the Capitol grounds as part of this exposition.

- Office of Mine Reclamation Report (Pompy) [Information]

Chief of OMR, Jim Pompy, reported on the following:

- Jim Pompy met with representatives from Bureau of Land Management (BLM) and the U.S. Forest Service to discuss coordination between the Federal agencies and OMR. There was consensus to update the current State/Federal MOU which recognizes the applicability of SMARA on Federally managed lands.



- OMR will be recognizing the winner of DOC's Excellence in Reclamation Award at CalCIMA's annual meeting next month in Monterey.
- OMR will be conducting a SMARA Overview workshop at the BLM Field Office in Redding on October 25-26.
- Although the economic slowdown is impacting participation, OMR is expecting a good turnout at the NAAMLPC Conference on October 9-12 in Squaw Valley.

V. Chairman's Report (Garner) [Information]

Chairman Garner reported on the following:

- Chairman Garner and the SMGB's legal counsel Rick Thalhammer, met with Natural Resources Agency Secretary John Laird, and discussed some of the activities the SMGB is involved with, overall communications, and the SMGB status following elimination efforts earlier in the year.
- Chairman Garner appointed Member John Lane as Chairman of the Mineral and Geologic Resources Committee.

VI. Executive Officer's Report (Testa) [Information]

Executive Officer Testa reported on the following:

- The new regulation for the designation of mineral lands within the Bakersfield Production - Consumption Region was approved by the Office of Administrative Law (OAL) and will become effected on September 29, 2011. Two other regulatory packages are in preparation: these pertain to the designation and termination of designation of certain sectors within the San Bernardino and Palm Springs Production-Consumption Regions. It is hoped that these two packets can be completed over the next 2-3 weeks.
- A Public Hearing was held on August 30 in the City of Irwindale to receive public comments on the proposed designations and termination of designations for the San Gabriel Production-Consumption Region. This matter will come before the SMGB for acceptance consideration in the near future, and prior to preparing the rulemaking packet.
- On April 10, 2010, the SMGB adopted its findings of fact adopted at their March 11, 2010, regular business meeting, and granting vested rights to Western Aggregates for 3,927-acres located in the Yuba Goldfields in Yuba County. Following this determination, a new version of an amended reclamation plan for Western Aggregates, Yuba County, was recently received and currently undergoing review by SMGB and OMR staff. No substantive comments were evident upon review, and this matter will be forwarded to the Surface Mining Standards Committee for consideration for approval to be recommended to the whole SMGB, upon completion of the CEQA/environmental study. The solicitation process for selection of a CEQA consultant for this purpose has been completed, and SMGB staff is prepared to select a contractor. Member Wyatt requested that a summary of the selection process be provided at the next scheduled meeting.
- A revised slope stability analysis for the Super Creek Quarry, City of Desert of Hot Springs, was received in mid-February 2011 and a preliminary review has been completed by OMR and SMGB staff, with such comments forwarded to the operator. A meeting with the operator and his representatives is being scheduled.
- Work continues on the preparation of the Alquist-Priolo Technical Advisory Committee report as time permits.



- Will Arcand and Mr. Pompy with OMR, received the second Chinese delegation from the China University of Mining and Technology and talked about mineral conservation and SMARA. The delegation was part of the United States – China Exchange Council.
- Over the next two months, several technical presentations are planned including several for the annual AEG meeting in Anchorage, and CalCIMA's annual meeting in mid-October.

VII. Ex-Parte Communication Disclosure [Information]

[Board Members will identify any discussions they may have had requiring disclosure pursuant to Public Resources Code Sections 663.1 and 663.2.]

- Member Wyatt indicated that he would be speaking at a CalCIMA luncheon in the near future.

VIII. Good of the Meeting [Information]

[This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. All persons wishing to address the SMGB should fill out a speaker card and present it to the Secretary so that the Chair can determine the number of persons who wish to speak. Speakers are limited to three minutes except by special consent of the Chairman.]

No Good of the Meeting information was provided.

IX. Consent Items [Action]

[All the items appearing under this section will be acted upon by the SMGB by one motion and without discussion; however, any Board member wishing to discuss a particular item may request the Chairman to remove the item from the Consent Calendar and consider it separately under Continued Business or New Business.]

1. Approval of Minutes, June 9, 2011, Regular Business Meeting.

Deferred.

2. Approval of Minutes, June 16, 2011, Regular Business Meeting.

Board Member Baca moved to approve the minutes. Board Member Lund seconded and the motion carried with a unanimous voice vote.

3. Approval of Revised Financial Assurance Cost Estimate, Sperbeck Quarry (CA Mine ID# 91-58-0004), Russell Woods (Operator), Russell Woods (Agent), Yuba County.

Board Member Baca moved to approve the financial assurance cost estimate. Board Member Lund seconded and the motion carried with a unanimous voice vote.

4. Approval of a Reclamation Plan, Financial Assurance Cost Estimate and Environmental Impact Report for Santa Paula Rock (91-56-00XX), Santa Paula Rock, Gravel & Sand, LLC (Operator), Al Bitetti (Agent), City of Santa Paula.

Deferred.



5. Approval of California Geological Survey's Special Report 223, Mineral Land Classification of the Proposed Riddle Surface Mine Property Site, Stanislaus County, California – for Construction Aggregate.

Board Member Baca moved to approve CGS's Special Report. Board Member Lund seconded and the motion carried with a unanimous voice vote.

X. Continued Business [Action]

[These business items have been continued from a previous meeting/hearing.]

6. **Public Hearing:** Review of the Order of Administrative Penalties Assessed to Three Surface Mining Operations Pursuant to Public Resources Code Section 2774.2 and Title 14, California Code of Regulations, Section 3900, et seq.
 - Public Hearing Case No. AP #91-33-0042-09-AR:
Shamrock Sand & Gravel (CA Mine ID #91-33-0042),
County of Riverside
 - Public Hearing Case No. AP #91-36-0074-09-AR:
K-1 Pit (CA Mine ID 91-36-0074), San Bernardino
County
 - Public Hearing Case No. AP #91-47-0053-09-AR:
Lor O (CA Mine ID #91-47-0053), Siskiyou County

Executive Officer stated that three Administrative Penalty Appeals were heard in June 2011 pursuant to PRC Section 2774.1(c) for failure to submit a report to the Department of Conservation as required by PRC Section 2207 with three continued as outlined above.

- Damien Galford, project manager with EnviroMINE, spoke on behalf of Shamrock Sand and Gravel.
- Kathy Robertson, and operator Kyle Smart, spoke on behalf of the Pentz Mine.
- John Miller, Plant Manager of the St. Cloud Mine, spoke in regards to the Ash Meadows Mine.
- Following discussion, the Executive Officer was directed to pursue procedures addressing financial stability and solvency of operators, attachment of penalty fees to financial assurances should residual funds exists, notification to the SMGB prior to insurance cancellation, property and site transaction issues, and lead agency role as a bill collector when annual reporting fees are not paid. The Executive Officer was also requested to review the mining ordinance for Kern County, notably Section 19.110.035, in regards to SMARA and the SMGB regulations.

Board Member Baca moved to modify the Administrative Penalty to \$500.00 for Shamrock Sand and Gravel. Board Member Lund seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to uphold the Administrative Penalty for the K-1 Pit. Board Member Lane seconded and the motion carried with a unanimous voice vote.



Board Member Baca moved to uphold the Administrative Penalty for the Lor O. Board Member Lane seconded and the motion carried with a unanimous voice vote.

XI. New Business [Action]

7. **Public Hearing:** Review of the Order of Administrative Penalties Assessed to Fifteen Surface Mining Operations Pursuant to Public Resources Code Section 2774.2 and Title 14, California Code of Regulations, Section 3900, et seq.

- Public Hearing Case No. AP #91-03-0022-09-AR: Jackson Valley Energy Mine (CA Mine ID #91-03-0022), Amador County
- Public Hearing Case No. AP #91-04-0029-09-AR: Pentz Mine (CA Mine ID #91-04-0029), Butte County
- Public Hearing Case No. AP #91-12-0037-09-AR: Ammon Quarry (CA Mine ID #91-12-0037), Humboldt County
- Public Hearing Case No. AP #91-14-0018-09-AR: Ash Meadows Plant (CA Mine ID #91-14-0018), Inyo County
- Public Hearing Case No. AP #91-15-0095-09-AR: Sand Canyon Pit (CA Mine ID #91-15-0095), Kern County
- Public Hearing Case No. AP #91-18-0047-09-AR: Pozzolan Hill Pit (CA Mine ID #91-18-0047), Lassen County
- Public Hearing Case No. AP #91-18-0049-09-AR: Long Valley Mine (CA Mine ID #91-18-0049), Lassen County
- Public Hearing Case No. AP #91-25-0016-09-AR: Duval Borrow Mine (CA Mine ID #91-25-0016), Modoc County
- Public Hearing Case No. AP #91-32-0029-09-AR: Heinz Pit (CA Mine ID #91-32-0029), Plumas County
- Public Hearing Case No. AP #91-32-0034-09-AR: Mill Bar Pit (CA Mine ID #91-32-0034), Plumas County
- Public Hearing Case No. AP #91-58-0015-09-AR: Blue Point Clark Mine (CA Mine ID #91-58-0015), Yuba County
- Public Hearing Case No. AP #91-58-0021-09-AR: Blue Point Mine (CA Mine ID #91-58-0021), Yuba County

Executive Officer Testa stated that both the Blue Point Clark Mine and Blue Point Mine would be deferred and addressed independently at a future meeting.

Board Member Baca moved to uphold the Administrative Penalty for Jackson Valley Energy. Board Member Lane seconded and the motion carried with a unanimous voice vote.



State Mining and Geology Board / DRAFT CONFORMED MINUTES

September 8, 2011

Page 7

Board Member Baca moved to modify the Administrative Penalty to \$250.00 for the Pentz Mine. Board Member Lane seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to uphold the Administrative Penalty for the Ammon Quarry. Board Member Wyatt seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to continue consideration of the Administrative Penalty for the Ash Meadows Plant. Board Member Wyatt seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to uphold the Administrative Penalty for the Sand Canyon Pit. Board Member Lane seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to continue consideration of the Administrative Penalty for the Pozzolan Hill Pit. Board Member Lund seconded and the motion carried with a unanimous voice vote.

Board Member Lund moved to continue consideration of the Administrative Penalty for the Long Valley Mine. Board Member Baca seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to uphold the Administrative Penalty for the Duval Borrow Mine. Board Member Lund seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to uphold the Administrative Penalty for the Hienz Pit. Board Member Lane seconded and the motion carried with a unanimous voice vote.

Board Member Baca moved to uphold the Administrative Penalty for the Mill Bar Pit. Board Member Lane seconded and the motion carried with a unanimous voice vote.

8. Consideration of Revised Interim Financial Assurance, Richmond (Chevron) Quarry (91-07-0006), Dutra Materials (Operator), Aaron Johnson (Agent), City of Richmond. Executive Officer Testa stated that the SMGB is the SMARA lead agency for the City of Richmond. The site is characterized by an unstable cut slope that encompasses about 7 acres and is about 350 feet in height. The SMGB's regulations, notably, CCR Section 3704(f) requires that *"Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use, and conform with the surrounding topography and/or approved end use."* In May 2008, the Geohazards Committee determined that SMARA and the SMGB's regulations required that the cut slope be mitigated, and thus, an interim FACE needed to be provided which reflected a minimum, albeit reasonable, cost for mitigation of the cut slope. The current financial assurance amount is at \$674,108. As of November 24, 2008 (Analysis of Slope Mitigation Alternatives) the estimated cost for mitigation of the cut slope, that being for Alternatives 1, 2, 3 and 4, ranged from \$2,481,125 to \$20,441,250. In February 2009 the SMGB approved an interim financial assurance amount of \$1,700,000.00 based on the cost estimate for implementation of one of the slope stability measures analyzed by Dutra's consultants, excluding costs for reclamation of the quarry floor and hide walls estimated at \$1,277,825. The SMGB is considering current adjusted interim financial assurance cost estimate in the amount of \$3,280,428, while the operator completes the required geotechnical analyses and amended reclamation plan.

- Mark Harrison, legal counsel representing Chevron, and Derek Cole, legal counsel representing the Dutra Group, expressed opposition to the financial assurance being adjusted at this time.



Board Member Baca moved to approve the revised financial assurance amount. Board Member Wyatt seconded and the motion carried with a unanimous voice vote.

9. Issuance of an Order to Comply to the Big Cut Mine (CA Mine ID #91-09-00XX), Joseph and Yvette Hardesty and Rick Churches (Operator), Joseph and Yvette Hardesty and Rick Churches (Agent), County of El Dorado, for Failure to Correct Violations Pursuant to the Surface Mining and Reclamation Act.

Deferred.

10. Adoption of Regulation to Amend Form MRRC-4L to Include Idle Mines in Consideration of a Low Gross Exemption Pursuant to California Code of Regulations Section 3360(a).

Executive Officer Testa stated that at its November 10, regular business meeting, and after hearing from stakeholders, the SMGB accepted the proposed amendment to amend Form MRRC-4L to include idle mines when the Department of Conservation Office of Mine Reclamation (OMR) is considering granting of a Low Gross Exemption. Form MRRC-4L has been amended to include idle mines, and set forth for public comment from December 3, 2010 and ended February 14, 2011. No comments were received. The SMGB is considering adoption of the amended form which is referenced in California Code of Regulations (CCR) Section 3699(a), and directing the Executive Officer to complete the rulemaking process.

Board Member Wyatt moved to include idle mines for Low Gross Exemption considerations, recommend adoption for inclusion of idle mines on Form MRRC-4L, and adopt the proposed amended regulatory language. Board Member Lund seconded and the motion carried with a unanimous roll call voice vote.

11. Consideration for Exemption from the Requirements of the Surface Mining and Reclamation Act (SMARA, Public Resources Code Section 2710 et seq.), Pursuant to Section 2714(f), for the Regional Beach Sand Project, City of San Diego.

Executive Officer Testa stated that SMARA allows for a one-time exemption from SMARA for certain surface mining operations should the SMGB finds that the operation is 1) of an infrequent nature, and 2) involve only minor surface disturbances, pursuant to PRC 2714(f). The San Diego Association of Governments (SANDAG) on March 8, 2011, submitted a request for a one-time exemption from SMARA for the Regional Beach Sand Project (RBSP) II, a proposed regional beach nourishment project led by SANDAG. This project would place beach-quality sand along 11 beach receiver sites within six municipalities in San Diego County. The receiver sites are to be replenished with sand extracted from one of three borrow sites which are located offshore along the coast from Encinitas to Mission Beach: west of San Elijo Lagoon (SO-6), offshore of the San Dieguito River (SO-5), and offshore of Mission Beach (MB-1). The project as proposed is similar to an earlier request by SANDAG, which was granted by the SMGB in 2000. The SMGB has the statutory authority to consider and grant such an exemption under certain conditions. The SMGB is considering granting a one-time exemption for this phase of the project.

Board Member Baca moved to grant a one-time exemption. Board Member Lane seconded and the motion carried with a unanimous voice vote.



12. Consideration for Site Closure, Big Gun Quarry (CA Mine ID #91-31-0013), Big Gun Mining Company (Operator), Darron Epperson (Agent), City of Rocklin.

Deferred.

XII. Special Reports and Department Presentations [Possible Action]

[Based on these Reports, the Chair may instruct the SMGB staff to initiate administrative actions.

13. Information Report from the Department of Conservation, Office of Mine Reclamation, for the Hansen Permanente Cement Quarry, Lehigh Southwest Cement Company (Operator), Scott Renfrew (Agent), County of Santa Clara.

Executive Officer Testa stated at its January 13, 2011, meeting, the SMGB Policy and Legislation Committee (Committee) received comments from the public pertaining to compliance issues related to the Lehigh Southwest Cement Company surface mining operation (CA Mine ID #91-43-0004), located in the County of Santa Clara (County). After hearing comments from the DOC, Public, County and operator, the Committee requested that a progress report be provided to the whole SMGB on the County's overall SMARA program, the operator's efforts to comply with SMARA and the SMGB's regulations, and OMR in regards to its oversight of the surface mining operation and any outstanding compliance issues. At its February 10, and June 9, 2011, regular business meetings, information reports from the County, Operator and OMR, were heard by the SMGB. Several non-compliance issues were raised. The SMGB subsequently requested that OMR and the County provide a progress report at its next scheduled meeting. The information being presented by OMR and the County is for the SMGB's information. No recommendations are offered at this time.

- Barry Chang, Chair of the Bay Area for Clean Environment, and local resident Phillip Pflager, expressed concern and out of compliance issues associated with the subject site.

No action was taken by the SMGB.

14. Summary Report on Lead Agencies that have a Financial Interest in Certain Surface Mining Operations within their Respective Jurisdictions, and Compliance with Title 14, Division 2, Chapter 8, Subchapter 1, Section 3504.5(c).

Executive Officer Testa stated that in review of the SMARA database, potential conflicts of interest have been identified which contradicts with Title 14, Division 2, Chapter 8, Subchapter 1, Section 3504.5(c) of the California Code of Regulations (CCR). Specifically, CCR Section 3504.5(c) states:

"A surface mine inspection shall not be performed by any person who holds a financial interest in or has been employed by the surface mining operation in any capacity, including as a consultant or as a contractor, during the year preceding the inspection."

A review of all surface mining operations statewide has commenced. To date, 42 out of 58 counties have been evaluated. A total of 34 surface mining operations within nine counties have been identified where the SMARA lead agency has a potential financial interest (i.e., either as an operator or property owner). In addition to continuing the evaluation of remaining counties and cities, SMGB staff has initiated inspections of those specific surface mining operations where a financial interest has been confirmed. Under these circumstances, inspections are performed by SMGB staff and upon acceptance by the SMGB, such inspection reports are to be forwarded to the respective SMARA lead agency. The lead agency would be invoiced appropriately and responsible for the cost



of conducting such inspections. The lead agency, however, maintains its overall role pursuant to SMARA, and thus is responsible for subsequent compliance and enforcement actions, as deemed necessary and appropriate. The information being provided is for the SMGB's information and no recommendations are being offered at this time.

No action was considered by the SMGB.

15. Inspection reports pursuant to PRC Section 2774(b) for the following surface mining operations may be presented for SMGB acceptance consideration as being in accordance with the SMGB's requirements:

- a. Priest Grade Pit (CA Mine ID# 91-55-0008), County of Tuolumne

Will Arcand, SMGB Senior Engineering Geologist, presented a summary of the inspection report.

Board Member Baca moved to accept the inspection report. Board Member Wyatt seconded and the motion carried with a unanimous voice vote.

XIII. SMGB Committee Reports [Information and Possible Action]

- Geohazards Committee
 - Alquist-Priolo Technical Advisory Committee (Chairperson Tepel)
- Surface Mining and Standards Committee (Chairperson Lund)
- Minerals and Geologic Resources Committee (Chairperson Tepel)
- Policy and Legislation Committee (Chairperson Baca)

XIV. Continuing Business [Information]

[This item is provided as an opportunity for any SMGB member to receive information on or any items of continuing interest to the SMGB.]

XV. New Business [Information]

[This item is provided as an opportunity for any SMGB member to bring any item of new business to the SMGB's attention for further discussion and further action.] Items to be discussed:

XVI. Executive Session (Closed to the Public) [Possible Action]

[The SMGB will discuss information from its legal counsel on pending litigation and may take appropriate actions based on this information. This session is being held under Government Code, Section 11126.] Items to be discussed:

- a). Brunius vs. SMGB, Case # PC 20010449, El Dorado County Superior Court.
- b). Kibbe Area Planning and Protection Association; Forest Tull vs. SMGB; A. Teichert & Sons, Inc.; and DOES 1010, Case No. 34-2007-00882657-CU-WM-GOS, Sacramento County Superior Court.
- c). Dutra Materials vs. SMGB, Chevron Products Company Real Party in Interest, Case No. N10-0388, Contra Costa Superior Court.
- d). A. Teichert and Sons, Inc. v. SMGB, Western Aggregates, LLC. Real Party in Interest, Case No. 34-2010-80000528, Sacramento County Superior Court.



- e). William Calvert, Elfriede Calvert and the Yuba Goldfields Access Coalition v. SMGB, Western Aggregates, LLC. Real Party in Interest, Case No. 34-2010-80000530, Sacramento County Superior Court.
- f). North Continent Land and Timber, Inc. vs. SMGB, Department of Conservation, Office of Mine Reclamation, County of Butte Board of Supervisors, Case No. 34-2010-800000542, Sacramento County Superior Court.
- g). Joe & Yvette Hardesty v. SMGB, & DOES 1-100 Inclusive, Case No. 34-2010-80000594, Sacramento County Superior Court.
- h). An un-named case where there is potentially significant exposure to litigation against the SMGB.

Re-open Regular Business Session, Announce Results of Executive Session

Deputy Attorney Rick Thalhammer announced that the SMGB met in Executive session and discussed the results of the recent September 23rd court decision pertaining to Dutra Materials vs. SMGB, Chevron Products Company Real Party in Interest, Case No. N10-0388, Contra Costa Superior Court. No action was taken.

XVII. Announcements of Future Meetings

October 13, 2011, was announced as the next meeting, and Sacramento as the location.

XVIII. Adjournment

The meeting was adjourned at 4:30 P.M.

APPROVED

Erin Garner, Chairman

Stephen M. Testa, Executive Officer

